

REMARKS

Status of Claims

Claims 1-12, 43, 71-73 and 98 are currently pending. In the Final Office Action issued November 28, 2008, Claims 1-12, 43, 71-73 and 98 were finally rejected. In this paper, Claim 1 is amended; no Claims are cancelled; and no Claims are added. After entry of the instant amendment, Claims 1-12, 43, 71-73 and 98 will be pending. No new matter is added by way of this amendment. And for at least the following reasons and amendment above, each of the presently pending claims is now in condition for immediate allowance.

Specification

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. In particular, the Office Action noted that the claimed “storage media” in Claims 1-12, 43, 71-73 and 98 lacks antecedent basis because it is not explicitly defined in the instant specification.

In this response, each reference in independent Claim 1 to the phrase “storage media” is now amended to be replaced with the phrase “storage disk” instead. Support for this amendment is found at least on page 6, paragraph [0089] and page 7, paragraph [0090] of the published application for this matter (Pub. No. US 2003/0033308 A1). Thus, the objection to the Specification should be withdrawn with the entry of the instant amendment.

Claim Rejections – 35 USC 102

Claims 1-2, 7-10, 43 and 71-73 were rejected under 35 USC 102(e) as being anticipated by Evans et al., U.S. Patent Publication No. 2003/0014391 (hereafter “Evans”).

As amended, Claim 1 now teaches in part as follows:

“a switch in communication with the [[set]] plurality of storage units, the switch configured to receive a read request for the file stored on the distributed file storage system and to send the read request to one of the plurality of storage units, wherein each of the plurality of storage units is operable to monitor in real time a pattern of access to the file, a latency to access each copy of the file, and content included in the file; and

each of the plurality of storage units is configured to use the first metadata to process a read request on behalf of the distributed file storage system, wherein the distributed file storage system is arranged for dynamically determining at least one copy of the file to be replicated and dynamically determining a quantity of the plurality of storage units to store each replicated copy of the file based at least in part on the real time monitoring of the pattern of access to the file, the latency to access each copy of the file, and content included in the file.”

Support for this amendment is found at least on page 2, paragraph [0040] and page 6, paragraphs [0087 through 0089], page 7, paragraph [0093] of the published application for this matter (Pub. No. US 2003/0033308 A1).

In contrast, Evans discloses a defined hierarchy/directory of forwarding computers for fulfilling a request for a file by providing a copy of the file from at least one of these forwarding computers. See Page 1, paragraph [0013], and Page 2, paragraph [0024-0025]. However, amended Claim 1 now teaches that a request for a file is provided with a dynamically determined replicated copy that is stored in a dynamically determined quantity of storage units based at least in part on a plurality of factors that are monitored in real time, such as an access pattern for the file, file access latency, and content of the file. Thus, amended Claim 1 is neither anticipated nor made obvious by the Evans reference, and this claim is clearly now in condition for allowance.

Additionally, since Claims 2, 7-10, 43 and 71-73 depend from the same base independent Claim 1, each of these dependent claims are not anticipated or obvious and at least allowable for the

same reasons as amended independent Claim 1 upon which they all depend. Also, since the previous rejection of these dependent claims is now moot in view of the amendment to their base independent Claim 1, a more detailed refutation of their rejection is no longer warranted. Further, the lack of a more detailed discussion of the previous rejection of Claims 2, 7-10, 43 and 71-73 should in no way be considered an admission. Rather, merely in the interest of brevity a more detailed and now moot reasoning regarding the previous rejection of dependent Claims 2, 7-10, 43 and 71-73 is not included here.

Claim Rejections – 35 USC 103

Claims 3-6, 11-12 and 98 are were rejected under 35 USC 103(a) as being unpatentable over Evans in view of Mason, U.S. Patent No. 5,884,098 (hereafter “Mason”).

As discussed above, the Evans reference can no longer be found to anticipate or make obvious either independent Claim 1 or any of its dependent claims in view of the instant amendment to Claim 1. Although Mason may disclose error correction of data, it clearly does not teach or suggest doing so for dynamically determined replicated copies of the file that are stored in a dynamically determined quantity of storage units based at least in part on a plurality of factors that are monitored in real time, such as an access pattern for the file, the access latency for the file, and the content of the file. Thus, at least because the suggested combination of Evans with the Mason reference does not cure the deficiencies laid out in more detail above dependent Claims 3-6, 11-12 and 98 are non-obvious and allowable.

Furthermore, since Claims 3-6, 11-12 and 98 depend from the same base independent Claim 1, each of these dependent claims are not obvious and at least allowable for the same reasons as amended independent Claim 1 upon which they all depend. Also, since the previous rejection of these dependent claims is now moot in view of the amendment to their base independent Claim 1, a more detailed refutation of their rejection is no longer warranted. Further, the lack of a more detailed discussion of the previous rejection of Claims 3-6, 11-12 and 98 should in no way be considered an admission. Rather, merely in the interest of brevity a more detailed and now moot

reasoning regarding the previous rejection of the dependent Claims 3-6, 11-12 and 98 is not included here.

Conclusion

In view of the above amendment, applicant's representative believes the pending application is now in condition for allowance.

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